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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,169	08/26/2003	Kug-Jin Yun	3364P071C	4451

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BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 WILSHIRE BOULEVARD
SEVENTH FLOOR
LOS ANGELES, CA 90025-1030

EXAMINER

HUBER, JEREMIAH C

ART UNIT PAPER NUMBER

2621

DATE MAILED: 10/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/648,169	Applicant(s) YUN ET AL.	
	Examiner Jeremiah C. Huber	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 10/317,861.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/30/2004</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 10/317861, filed on 11/20/2002.

Claim Objections

2. Claim 14 is objected to because of the following informalities:

The claim recites "receiving three-dimensional video data, determining whether a corresponding video image is a stereoscopic or multiview video image". It is unclear to the examiner if the determination is being made between a stereoscopic video image and a multiview video image, or if it is being determined whether a three dimensional (i.e. stereoscopic or multiview) video image is present. Examiner will continue assuming the latter because a stereoscopic image is a specific case of a multiview image.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 21 recites the limitation "the DecoderConfigDescriptor" in line 1 of the claim. There is insufficient antecedent basis for this limitation in the claim or the independent claim from which the claim depends the claim will be examined as best understood by the examiner.

Claim Rejections - 35 USC § 101

4. Claims 1-21 of this application conflict with claims 1-21 of Application No 10/317861. 37 CFR 1.78(b) provides that when two or more applications filed by the same applicant contain conflicting claims, elimination of such claims from all but one application may be required in the absence of good and sufficient reason for their retention during pendency in more than one application. Applicant is required to either cancel the conflicting claims from all but one application or maintain a clear line of demarcation between the applications. See MPEP § 822.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-7, 12-15 and 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oshima et al (6574423) in view of Chai et al (6553147).

In regard to claim 1 Oshima discloses a stereoscopic three-dimensional video processing system that includes a compressor for processing input stereoscopic three-dimensional video data according to the MPEG 2 standard to generate field-based elementary streams of multiple channels and outputting the multi-channel elementary streams into a single integrated elementary stream (Oshima fig. 1 #3a, #b and 4), Oshima further discloses a transmitter for processing the stereoscopic three-

dimensional video data and storing the processed video data (Oshima fig. 1 #9). It is noted that Oshima does not disclose details of a packetizing process. However, Chai discloses a method in which video and audio data are packetized before transmission. Chai further discloses one or more encoders compatible with MPEG 2&4 standards (Chai fig. 2 #220₁ and #220_n and col. 1 lines 25-40 and col. 4 lines 12-42). It is therefore considered obvious that one of ordinary skill in the art at the time of the invention would recognize the advantage of including a packetizer and MPEG 2&4 capable encoders as taught by Chai in the video processing system disclosed by Oshima, in order to allow transmission of non-audio/video data and to be compliant with a wider range of standards. One would further expect the invention of Oshima to operate in this manner because Oshima discloses packetized data (Oshima fig. 42 'system stream').

In regard to claim 2 refer to the statements made in the rejection of claim 1 above. Oshima discloses a three dimensional object encoder for encoding the input stereoscopic three-dimensional video data to output multi-channel field based elementary streams (Oshima fig. 1 #3a and 3b), and a three-dimensional elementary stream mixer for integrating and outputting the multi-channel field-based elementary streams into a single elementary stream (Oshima fig. 1 #4).

In regard to claim 3 refer to the statements made in the rejection of claim 2 above. Oshima further discloses that the object encoder outputs elementary streams in the unit of 4-channel fields including odd and even fields for left and right images when the input data are three dimensional stereoscopic data (Oshima fig. 23, output from

compressing units 103a&b contains 4 fields denoted by circles, x's squares and triangles).

In regard to claim 4 refer to the statements made in the rejection of claims 2 and 3 above. In this particular case $N = 2$ and four field based elementary streams are outputted.

In regard to claim 5 refer to the statements made in the rejection of claim 2 above. As stated in the rejection of claim 1 Chai discloses the use of MPEG-4 encoders. It is inherent to the MPEG-4 standard that an encoder has an object descriptor stream generator and a scene description stream generator. In regards to the two dimensional encoder, Chai discloses the use of multiple 2D audio/video (audio and video hence, multimedia) encoders (Chai fig. 2 #220 and 221 1-n). It is therefore considered obvious that one of ordinary skill in the art would recognize the advantage of including additional 2D encoders as taught by Chai in the invention of Oshima in order to process two dimensional data.

In regard to claim 6 refer to the statements made in the rejection of claim 2 above. Oshima further discloses a stereoscopic video identifier that represents the streams that were selected by the user to be recorded (Oshima fig. 13 and col. 8 line 55 to col. 9 line 47).

In regard to claim 7 refer to the statements made in the rejection of claim 6 above. Oshima further discloses that the stereoscopic video identifier can be used to identify two-dimensional data (Oshima fig. 13 and col. 8 line 55 to col. 9 line 47).

In regard to claim 12 refer to the statements made in the rejection of claim 6 above.

In regard to claim 13 Oshima further discloses the use of time stamps (Oshima fig. 22) and a table (Oshima fig. 4) specifying start address, end address, and channel number and a flag indicating whether video is two or three dimensional (Oshima fig. 13).

In regard to claim 14 refer to the statements made in the rejection of claim 1 and 6 above.

In regard to claim 15 refer to the statements made in the rejection of claims 1-3 and 14 above.

In regard to claim 20 refer to the statements made in the rejection of claim 14 above. Oshima further discloses adding time stamps to the video stream. The time stamps are used for stereoscopic synchronization purposes (Oshima fig. 22 #234 and col. 23 line 47 to col. 24 line 23).

In regard to claim 21 refer to the statements made in the rejection of claim 1 above. Oshima further discloses a DecoderConfigDescriptor or a flag indicating whether the video is two or three dimensional (Oshima Fig. 13).

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeremiah C. Huber whose telephone number is (571)272-5248. The examiner can normally be reached on Mon-Fri 8:00 a.m. - 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on (571)272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jeremiah C Huber
Examiner
Art Unit 2621



YOUNG LEE
PRIMARY EXAMINER